

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Koichi EMURA et al. Art Unit : 2426
Appl. No. : 10/091,386 Examiner : Mushfikh I. Alam
Filed : March 7, 2002 Conf. No. : 8736
For : MEDIA DISTRIBUTION APPARATUS AND MEDIA DISTRIBUTION
METHOD

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

This appeal is from the final rejections of claims 40, 42-43, 45-47, 49-50, and 52-54, as set forth in the Final Official Action dated May 19, 2011. A Notice of Appeal was filed on August 19, 2011.

The requisite fee for filing an Appeal Brief under 37 C.F.R. § 41.20(b)(2) is submitted herewith. However, if for any reason the necessary fee is not associated with this file, or the fee as submitted is inadequate, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

TABLE OF CONTENTS

I.	Real Party In Interest	3
II.	Related Appeals and Interferences.....	4
III.	Status of the Claims	5
IV.	Status of the Amendments	6
V.	Summary of the Claimed Subject Matter.....	7
VI.	Grounds of Rejection to be Reviewed on Appeal.....	14
VII.	Argument	15
A.	A Non-Limiting and Exemplary Embodiment of the Present Application.....	15
B.	Claims 40, 43, 49-50, and 52-54 are Not Anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,664,227 to Mauldin et al.....	17
1.	Independent Claims 40, 43, and 54 Stand or Fall Together.....	17
2.	U.S. Patent No. 5,664,227 to Mauldin et al.	17
3.	The Present Application is Fundamentally Distinguished from U.S. Patent No. 5,664,227 to Mauldin et al.	18
4.	The Rejection of Independent Claims 40, 43, and 54 is Improper	20
5.	The Rejection of Dependent Claims 49 and 52 is Improper.....	29
6.	The Rejection of Dependent Claims 50 and 53 is Improper.....	30
C.	The Rejection of Dependent Claims 42 and 45 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,664,227 to Mauldin et al. in view of U.S. Patent No. 5,619,247 to Russo is Improper	31
D.	The Rejection of Dependent Claims 46-47 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,664,227 to Mauldin et al. in view of U.S. Patent No. 6,144,375 to Jain et al. is Improper.....	31
E.	Conclusion	31
VIII.	Claims Appendix	33
IX.	Evidence Appendix.....	39
X.	Related Proceeding Appendix.....	40

I. REAL PARTY IN INTEREST

The real party in interest is PANASONIC CORPORATION (formerly MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

II. RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any prior or pending appeals, interferences, or judicial proceedings that may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 40, 42-43, 45-47, 49-50, and 52-54 are pending in the present application.

Claims 40, 42-43, 45-47, 49-50, and 52-54 stand finally rejected and are the subject of this appeal.

Claims 1-39, 41, 44, 48, and 51 were previously cancelled.

IV. STATUS OF THE AMENDMENTS

A response to the Final Official Action has not been filed. Thus, the pending claims are those as set forth in the Response filed under 37 C.F.R. § 1.111 on February 23, 2011.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Initially, Appellants note that the following descriptions are made with respect to the independent claims on appeal and include references to particular parts of the Specification and the drawings. As such, the following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present Specification as well as those descriptions that are directed to equivalent structures or methods.

Independent Claim 40

Independent claim 40 is summarized as a media distribution apparatus that includes a server (Specification page 15, lines 10-12; page 27, lines 22-23; and Figure 6, item 600) and that selectively distributes views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network (Specification page 15, lines 4-13; page 27, lines 18-20; and Figure 6, items 110 and 120). The media distribution apparatus comprises:

a storer that stores the views (Specification page 28, lines 4-5 and Figure 6, items 601 and d101), and first metadata for explaining the views (Specification page 29, lines 21-22 and Figure 6, item d601), the first metadata comprising a plurality of segments and describing viewpoint information and time information (Specification page 28, lines 14-23 and Figure 7, items d703a-c and d704), the viewpoint information and the time information being assigned on a segment-by-segment basis (*Id.*), the viewpoint information comprising a keyword included in the first metadata for explaining the content (Specification page 30, lines 6-18 and Figure 8, item 801);

a request receiver that receives a distribution request from the external client terminal (Specification page 30, line 27 to page 31, line 9 and Figure 6, item 104), the

distribution request including identification information that identifies the content (Specification page 30, line 27 to page 31, line 3 and Figure 8, item 200), at least one viewpoint information for extracting segments of the first metadata (Specification page 30, line 27 to page 31, line 3 and Figure 8, item 801), comprising the keyword included in the first metadata for explaining the content (Specification page 30, lines 15-16 and Figure 8, item 801), information that indicates one of a media distribution request and a preview distribution request (Specification page 31, lines 12-14), and desired time information that is desired by a user of the external client terminal (Specification page 34, line 24 to page 35, line 2), the identification information and the at least one viewpoint information being selected from list information that is distributed in advance (Specification page 33, lines 7-10; Figure 8 and Figure 10, item P901), the list information comprising the identification information of the content (Specification Figure 9, item 200), a plurality of viewpoint information assigned to each segment making up the first metadata (Specification Figure 9, item 801), and playback time information of the content (Specification Figure 9, item 301);

a request analyzer that determines whether the distribution request received by the request receiver is the media distribution request or the preview distribution request for the content (Specification page 31, lines 4-14 and Figure 6, item 605);

a media extractor/generator that, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, a plurality of segments for making up the preview and adapted to the at least one viewpoint information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request (Specification page 32, line 12 to page 33, line 2 and Figure 6, item 602), and dynamically generates the preview having a time length corresponding to the

desired time information included in the received preview distribution request, by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata (Specification page 34, line 10 to page 35, line 16 and Figure 6, item d602), the second metadata being different from the first metadata (Specification page 28, lines 6-7; page 29, lines 21-22; and Figure 6, items d601 and d602); and

a media transmitter that transmits the generated preview to the external client terminal (Specification page 35, lines 12-16 and Figure 6, item 103).

Independent Claim 43

Independent claim 43 is summarized as a media distribution method in a media distribution apparatus that includes a server (Specification page 15, lines 10-12; page 33, lines 3-6; and Figure 10), for selectively distributing views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network (Specification page 15, lines 4-13; page 27, lines 18-20; and Figure 6, items 110 and 120). The media distribution method comprises:

storing the views (Specification page 28, lines 4-5; and Figure 6, item d601), and first metadata for explaining the views (Specification page 29, lines 21-22), the first metadata comprising a plurality of segments and describing viewpoint information and time information (Specification page 28, lines 14-23 and Figure 7, items d703a-c and d704), the viewpoint information and the time information being assigned on a segment-by-segment basis (*Id.*), the viewpoint information comprising a keyword included in the

first metadata for explaining the content (Specification page 30, lines 6-18 and Figure 8, item 801);

receiving a distribution request from the client terminal (Specification page 30, line 27 to page 31, line 9; page 33, lines 19-22; and Figure 10, item P906), the distribution request including identification information that identifies the content (Specification page 30, line 27 to page 31, line 3 and Figure 8, item 200), at least one viewpoint information for extracting segments of the first data (Specification page 30, line 27 to page 31, line 3 and Figure 8, item 801), comprising the keyword included in the first metadata for explaining the content (Specification page 30, lines 15-16 and Figure 8, item 801), information that indicates one of a media distribution request and a preview distribution request (Specification page 31, lines 12-14; page 34, lines 4-9; and Figure 10, item P908), and desired time information that is desired by a user of the external client terminal (Specification page 34, line 24 to page 35, line 2), the identification information and the at least one viewpoint information being selected from list information that is distributed in advance (Specification page 33, lines 7-10; Figure 8; and Figure 10, item P901), the list information comprising the identification information of the content (Specification Figure 9, item 200), a plurality of viewpoint information assigned to each segment making up the first metadata (Specification Figure 9, item 801), and playback time information of the content (Specification Figure 9, item 301);

determining whether the distribution request received from the external client terminal is the media distribution request or the preview distribution request for the content (Specification page 31, lines 4-14; page 34, lines 4-9; and Figure 10, item P908);

when the distribution request received from the external client terminal is determined to be the preview distribution request, extracting, from the first metadata, a plurality of segments making up the preview and adapted to the at least one viewpoint

information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request (Specification page 32, line 12 to page 33, line 2; page 34, lines 10-20; and Figure 10, item P909), and dynamically generating the preview having a time length corresponding to the desired time information included in the received preview distribution request, by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments (Specification page 34, line 20 to page 35, line 16 and Figure 10, item P910), and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata (Specification page 34, line 20 to page 35, line 16 and Figure 6, item d602), the second metadata being different from the first metadata (Specification page 28, lines 6-7; page 29, lines 21-22; and Figure 6, items d601 and d602); and

transmitting the generated preview to the external client terminal (Specification page 35, lines 12-16 and Figure 10, item P911).

Independent Claim 54

Independent claim 54 is summarized as a media distribution apparatus that selectively distributes views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network (Specification page 15, lines 10-12; page 27, lines 22-23; and Figure 6, items 110, 120, and 600). The media distribution apparatus comprises:

a server that includes the views and first metadata for explaining the views (Specification page 15, lines 10-12; page 28, lines 4-5; page 29, lines 21-22; and Figure 6, items 600, d101, and d601), the first metadata comprising a plurality of segments

(Specification page 28, lines 14-23 and Figure 7, items d703a-c and d704), each segment comprising viewpoint information and time information (Specification page 28, lines 14-23 and Figure 7, items d703a-c and d704), the viewpoint information being a keyword included in the metadata that explains the views (Specification page 30, lines 6-18 and Figure 8, item 801);

wherein the server receives, from the external client terminal, a distribution request comprising content identification information, at least one keyword, information indicating a media distribution request or a preview distribution request, and a time period set by the external client terminal for the preview to be generated by the server (Specification page 30, lines 15-16; page 30, line 27 to page 31, line 14; page 34, line 24 to page 35, line 2; Figure 6, item 104; and Figure 8, items 200 and 801),

wherein the content identification information and the at least one keyword are selected by the external client terminal from list information distributed in advance (Specification page 33, lines 7-10; Figure 8; and Figure 10, item P901),

wherein the list information comprises the content identification information, a plurality of keywords assigned to each segment making up the first metadata, and content playback time (Specification Figure 8, items 801 and 301),

wherein the sever determines whether the received distribution request is the media distribution request or the preview distribution request (Specification page 31, lines 4-14 and Figure 6, item 605), and

wherein the server, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, segments having viewpoint information corresponding to the at least one keyword selected by the external client terminal (Specification page 32, line 12 to page 33, line 2 and Figure 6, item 602), generates the preview having the set time period by fixing a plurality of segments as

second metadata using the time information and linking the views corresponding to the segments fixed as the second metadata (Specification page 34, line 10 to page 35, line 16 and Figure 6, item d602), the second metadata being different from the first metadata (Specification page 28, lines 6-7, page 29, lines 21-22, and Figure 6, items d601 and d602), and

transmits the generated preview to the external client terminal (page 35, lines 12-16 and Figure 6, item 103).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 40, 43, 49-50, and 52-54¹ are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,664,227 to Mauldin et al. (hereinafter “MAULDIN”), which incorporates U.S. Pat. No. 5,835,667 to Wactlar et al. (hereinafter “WACTLAR”) by reference.

Claims 42 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MAULDIN in view of U.S. Pat. No. 5,619,247 to Russo (hereinafter “RUSSO”).

Claims 46 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MAULDIN in view of U.S. Pat. No. 6,144,375 to Jain et al. (hereinafter “JAIN”).

¹ Claim 44 is also indicated as being rejected under 35 U.S.C. § 102(b) as being anticipated by MAULDIN. Claim 44, however, was previously cancelled. In this regard, the Office Action Summary does not indicate claim 44 as being rejected, and claim 44 is not addressed in the body of the rejection. Thus, Appellants believe that claim 44 was inadvertently indicated as being rejected, and claim 44 is not to be reviewed on appeal.

VII. ARGUMENT

A. A Non-Limiting and Exemplary Embodiment of the Present Application

Embodiment 2 of the present application discloses a media distribution system and a method of operating the same. For convenience, Appellants set forth a brief, exemplary explanation of Embodiment 2 of the present application with reference to Figures 6-10 and page 27, line 15 to page 38, line 12 of the present application as filed. The brief, exemplary explanation, and the reference numerals and disclosure identified herein, are solely for exemplary purposes and are not intended to be limiting in any way.

The media distribution system includes a server 600 that distributes media and previews of media to a client 110 via a network 120. The previews are not generated in advance but are generated in accordance with a preview distribution request from the client 110.

The server 600 includes a storage section 600 that stores views d101. The views d101 may be AV streams comprising video, audio, speech, text, etc. (Specification page 15, lines 20-26). Each view d101 is composed of a plurality of segments.

The storage section 600 further stores content management information d601 that is metadata for explaining the views d101. As shown in Figure 8, the content management information d601 includes viewpoint information 801 and time information 301 that each correspond to the segments of each view d101 on a segment-to-segment basis. The viewpoint information 801 comprises keywords that explain the content of the segments of each view d101. The segments of each view d101 correspond to viewpoints d703a to d703c, which are assigned on a segment-by-segment basis and are metadata for explaining each view d101.

The server 600 includes a receiving section 104 that receives a distribution request from the client 110. The distribution request includes a content ID 200 that identifies a specified content, viewpoint information 801 that includes at least one keyword which corresponds to at least one of the segments of the view d101 that corresponds to the specified content, time information that corresponds to a desired time of the client 110, and information that indicates whether the distribution request is a request for media distribution or preview distribution of the specified content (Specification page 31, lines 4-14 and page 33, line 11 to page 24, line 3). The content ID 200 and the viewpoint information 801 are selected from list information 800 that is distributed to the client 110 in advance (Specification page 33, line 11 to page 24, line 3). As shown in Figure 9, the list information 801 includes content IDs 200 that identify each content, viewpoint information 801 that corresponds to the segments of the view d101 of each content, and a playback time 301 of each content.

The server 600 includes a request analysis section 605 that determines whether the distribution request is a request for media distribution or preview distribution of the specified content. When the distribution request is determined to be a request for preview distribution of the specified content, a media selecting/converting section 602 extracts segments containing the viewpoints 703a to 703c which correspond to the viewpoint information 801 included in the request for preview distribution (Specification page 32, line 18 to page 23, line 2). The media selecting/converting section 602 links information of the extracted segments as metadata d602 so that a preview of a length of time corresponding to the time desired by the client 110 may be generated (Specification page 33, lines 1-2 and page 34, line 24 to page 35, line 2). In this regard, the viewpoints

703a to 703c may be assigned priority levels which correspond to their importance (Specification page 28, lines 19-21 and Figure 7).

The server 600 includes a media transmitting section 103 that transmits the generated preview to the client 110.

B. Claims 40, 43, 49-50, and 52-54 are Not Anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,664,227 to Mauldin et al.

1. Independent Claims 40, 43, and 54 Stand or Fall Together

Independent claim 40 recites a media distribution apparatus while independent claim 43 recites a media distribution method and independent claim 54 recites a further media distribution apparatus including a substantially similar combination of features as those set forth by independent claim 40. In the Final Official Action, the Examiner sets forth a substantially identical rationale for rejecting independent claims 43 and 54 as being anticipated by MAULDIN as that set forth for rejecting independent claim 40. As such, Appellants address the rejection of independent claim 40 and submit that the rejection of independent claims 43 and 54 should stand or fall with the rejection of independent claim 40.

2. U.S. Patent No. 5,664,227 to Mauldin et al.

MAULDIN discloses a system, apparatus, and method for skimming digital audio and video data (MAULDIN Abstract and col. 3, lines 21-23).

The system 10 is generally shown in Figure 1 and includes an offline portion 12 and an online portion 14 (MAULDIN col. 4, lines 21-26). The offline portion 12 receives raw video material 16 comprising audio data 18 and video data 20 (MAULDIN col. 4, lines 35-36). The audio data 18 and video data 18 are segmented and indexed (MAULDIN col. 4, lines 56-62). The video data 18 may be segmented by scene by

creating video paragraphs/segments between scene boundaries or segmented by content (MAULDIN col. 5, lines 12-15 and 30-32). According to MAULDIN, multiple methods may be used for creating content-based video paragraphs/segments (MAULDIN col. 5, lines 50-51). As one such method, MAULDIN discloses that a natural language interpretation function may be used to identify keywords (MAULDIN col. 6, lines 56-61). For example, MAULDIN discloses that keywords of “football” and “scoreboard” may be identified in scenes of a football game when a scoreboard is shown in order to determine a content of the scenes (*Id.*).

Once the video paragraphs/segments are identified, each video paragraphs/segment is time-stamped so that the time stamp may be used as an index back to the unedited video and as a loose correlation with the audio paragraphs (MAULDIN col. 7, lines 14-17). Thereafter, the video paragraphs/segments are analyzed to determine representative frames and non-representative frames, and the non-representative frames are removed from each video paragraph to create a skimmed video paragraph 68 (MAULDIN col. 7, lines 18-23). The skimmed video paragraphs 68 are combined with a skimmed audio track 78 to produce a skim output 80 (MAULDIN col. 8, lines 32-38).

According to MAULDIN, a skim may be produced at any desired length (MAULDIN col. 8, lines 40-42). Slower playback rates result in more comprehensive skims while faster playback rates provide less information content (MAULDIN col. 8, lines 45-53).

3. The Present Application is Fundamentally Distinguished from U.S. Patent No. 5,664,227 to Mauldin et al.

As generally discussed above with respect to Embodiment 2, the present application generally relates to media distribution apparatuses, methods, and systems

through which a client may request desired content or request a preview of desired content. As described by the present application, the content is original media while previews are “summary videos” of the content (Specification, page 15, lines 17-19). The client selects the desired content from a content list that is distributed to the client in advance. As such, the present application generally relates to media distribution apparatuses, methods, and systems through which a client may request a desired content, or a preview of the desired content, that is selected from a list of content that is distributed to the client in advance.

Contrary to the present application, MAULDIN relates to a system and method for skimming audio/video data for desired content (*see, e.g.*, MAULDIN col. 3, lines 21-35). In this regard, Appellants submit that MAULDIN does not even disclose that a client may request an original media of desired content, or that an original media of desired content is transmitted to the client. Moreover, it is submitted that MAULDIN does not disclose that a client may request a preview of desired content, *e.g.*, a video summary of desired content, or that a preview of desired content is transmitted to the client. Instead, MAULDIN merely appears to disclose a system and method through which the client may search audio/video files which have been skimmed based on content. Such skimmed audio/video files, however, are submitted to be different than original media and do not appear to comprise summaries of the audio/visual files.

4. The Rejection of Independent Claims 40, 43, and 54 is Improper

a) MAULDIN Fails to Disclose a Distribution Request that Indicates One of a Media Distribution Request and a Preview Distribution Request

Independent claim 40 of the present application recites that the claimed media distribution apparatus includes, in part, “a request receiver that receives a distribution request from the external client terminal, the distribution request including . . . information that indicates one of a media distribution request and a preview distribution request.” According to the present application, the media distribution request is a request for the content, itself, while the preview distribution request is a request for a video summary of the content.

As discussed above, MAULDIN does not even appear to disclose an apparatus or method in which a user may request content in different formats. To the contrary, MAULDIN merely appears to disclose a system and method in which a user may search audio/visual files which have been skimmed based on content. Appellants submit that such skimmed audio/visual files, however, are not original media or video summaries of the files. As such, it is submitted that MAULDIN cannot be reasonably interpreted to disclose the feature of independent claim 40 of a request that includes information that indicates one of a media distribution request and a preview distribution request, as recited in the claimed combination.

In the Final Official Action, the Examiner asserts that col. 6, lines 57-61 of MAULDIN disclose the distribution request that includes information that indicates one of a media distribution request and a preview distribution request (Final Official Action page 3, lines 9-10). Such disclosure of MAULDIN, however, merely appears to relate to a method of content-based paragraphing/segmenting. That is, it is submitted that col. 6,

lines 57-61 of MAULDIN disclose that a natural language interpretation function may be useful during content-based paragraphing/segmenting. For example, according to MAULDIN, keywords of “football” and “scoreboard” may be identified in scenes of a football game when a scoreboard is shown in order to determine a content of the scenes.

In this regard, Appellants respectfully submit that col. 6, lines 57-61 of MAULDIN do not even disclose a request that is received from an external client. That is, col. 6, lines 57-61 of MAULDIN merely relate to a function for paragraphing/segmenting a video file based on content, but do not appear to disclose a request that is received from an external client.

Moreover, it is submitted that such disclosure does not relate to or include information that indicates one of a media distribution request and a preview distribution request. Col. 6, lines 57-61 of MAULDIN merely appear to disclose that a video scene may be searched for keywords that are displayed within the scene in order to determine a content of the video scene. Appellants respectfully submit that such a searching feature of MAULDIN does not disclose information, included within a request, which indicates one of a media distribution request, *e.g.*, a request for original media, and a preview distribution request, *e.g.*, a request for a video summary. In fact, as discussed above, MAULDIN does not even appear to disclose that original media of content or a video summary of content may be requested by a user, but rather, merely appears to disclose that a user may search skimmed content. Appellants respectfully submit that a request for original media or a preview of content, as generally recited by the present application, is distinct and distinguished from searching skimmed content, as disclosed by MAULDIN.

In view of the above, it is submitted that col. 6, lines 57-61 of MAULDIN cannot be reasonably interpreted to disclose the feature of independent claim 40 of the distribution request that is received from an external client and that includes information that indicates one of a media distribution request and a preview distribution request. Accordingly, in view of this erroneous factual finding, it is submitted that the rejection of independent claim 40 as being anticipated by MAULDIN is improper. Thus, it is respectfully requested that the Examiner's decision to reject claim 40 be reversed.

b) MAULDIN Fails to Disclose a Request Analyzer that Determines whether the Distribution Request is the Media Distribution Request or the Preview Distribution Request

Independent claim 40 recites that the claimed media distribution apparatus includes, in further part, "a request analyzer that determines whether the distribution request received by the request receiver is the media distribution request or the preview distribution request for the content." According to the present application, the distribution request is received from an external client and the media distribution request is a request for original media of the content while the preview distribution request is a request for a video summary of the content.

Initially, as discussed above, MAULDIN does not even disclose an apparatus or method in which a user may request content in different formats, but merely discloses a system and method in which a user may search audio/visual files which have been skimmed based on content. Moreover, MAULDIN does not even disclose that a request for desired content is received from a user. Thus, it is submitted that MAULDIN cannot be reasonably interpreted to include a request analyzer that determines whether a distribution request is a media distribution request or a preview distribution request.

In the Final Official Action, The Examiner asserts that col. 3, lines 32-42 of MAULDIN disclose the request analyzer as recited by Appellants' independent claim 40 (Final Official Action page 3, lines 18-20). Col. 3, lines 32-42 of MAULDIN merely disclose that it is an object of MAULDIN to provide a system in which audio/visual files are variably skimmed for the most important content, such that the audio content and video content may be independently searched and skimmed. Col. 3, lines 32-42 of MAULDIN recite, in full:

Accordingly, it is an object of the present invention to establish a system whereby digital audio-video libraries may be easily skimmed based on content of the audio and video data. It is a further object of the invention that the playback rate, and thus the information content, of audio and video data from a digital library be controllable by a user. It is a further object of the invention that digital video data and transcriptions of audio data be independently searched and skimmed. It is yet another feature that the most important video segments and the most important audio segments are selected for the skim. (MAULDIN col. 3, lines 32-42)

Such disclosure of MAULDIN does not appear to even disclose a request for desired content that is received from an external client. To the contrary, it is submitted that such disclosure merely discloses that the skimmed audio/visual files are searchable. In this regard, it is submitted that the searchable content of MAULDIN does not disclose a request. Even if col. 3, lines 32-42 of MAULDIN is interpreted as including a request for content, col. 3, lines 32-42 do not appear to disclose that the system determines whether a request is a request for original media or a request for a preview of content. As generally discussed above, MAULDIN does not appear to provide content in different formats, and, as such, it is submitted that MAULDIN cannot be reasonably interpreted to determine a type of a requested content. Moreover, since MAULDIN does not appear to disclose that original media or a video summary of content is provided to a user, it is submitted that MAULDIN cannot be reasonably interpreted to include a request analyzer

that determines whether the original media or the video summary of the content is requested, as generally recited by Applicants' claimed combination of independent claim 40.

Accordingly, since col. 6, lines 57-61 of MAULDIN do not appear to disclose Applicants' request analyzer, it is further submitted that the rejection of independent claim 40 as being anticipated by MAULDIN is improper. Thus, it is again respectfully requested that the Examiner's decision to reject claim 40 be reversed.

c) MAULDIN Fails to Disclose a Distribution Request that Includes Identification Information that Identifies Content

Independent claim 40 recites that the claimed media distribution apparatus includes, in further part, "a request receiver that receives a distribution request from the external client terminal, the distribution request including identification information that identifies the content." In other words, the distribution request includes information that identifies a content that is desired by the external client terminal.

In the Final Official Action, the Examiner asserts that such a feature is disclosed by col. 6, lines 57-61 of MAULDIN (Final Official Action page 3, lines 5-7). As previously discussed, such disclosure of MAULDIN merely relates to the natural language interpretation function which may be useful when paragraphing/segmenting an audio/visual file based on content. Col. 6, lines 57-61 of MAULDIN disclose that, for example, keywords of "football" and "scoreboard" may be identified in a scene of a football game when a scoreboard is shown in order to determine a content of the scene.

Appellants respectfully submit that such disclosure of MAULDIN does not even disclose a request that is received from an external client. Moreover, such disclosure merely appears to relate to the feature of determining the subject matter of a scene while

the identification information of independent claim 40 relates to the feature of identifying a specific, requested content itself. In this regard, it is submitted that a function that may be used to identify a keyword in scene for identifying a context or subject matter of the scene, as disclosed by MAULDIN, does not disclose a request that is received from an external client that includes identification information that identifies a specific, requested content, as recited by independent claim 40.

Accordingly, in further view of this erroneous factual finding, it is again submitted that the rejection of independent claim 40 as being anticipated by MAULDIN is improper. Thus, it is again respectfully requested that the Examiner's decision to reject claim 40 be reversed.

d) MAULDIN Fails to Disclose Time Information that is Assigned on a Segment-by-Segment Basis

Independent claim 40 recites that the claimed media distribution apparatus includes, in further part, "a storage that stores . . . first metadata for explaining the views, the first metadata comprising . . . time information being assigned on a segment-by-segment basis." According to the present application, time information 301 which corresponds to a view is content playback time information (Specification page 16, lines 17-18; Figure 2, item 301; and Figure 8; item 301). In other words, the time information 301 is the playback time of the content. Moreover, time information 302 which is assigned to the segments of the view is preview playback time information (Specification page 16, lines 22-23 and Figure 2, item 302). In other words, the time information 302 is the playback time of a segment of the view. In this regard, the time information d704 for each viewpoint d703a to d703c, which is the metadata assigned on a segment-by-segment basis for a view d701, corresponds to the time information 302 and includes a playback

duration (Specification Figure 7). As such, given the playback duration of each viewpoint, a preview of a length of time desired by a client is able to be generated.

Thus, when considered in view of the Specification, it is submitted that the time information included within the first metadata of independent claim 40 relates to a playback duration of each segment.

In the Final Official Action, the Examiner asserts that such a feature is disclosed by col. 7, lines 14-16 of MAULDIN and col. 8, lines 15-20 of WACTLAR (Final Official Action page 2, line 24). Col. 7, lines 14-16 of MAULDIN and col. 8, lines 15-20 of WACTLAR, however, merely appear to disclose that each video paragraph/segment of an audio/visual file includes a time stamp that “is used as an index back to the unedited video.” According to MAULDIN and WACTLAR, the time stamp may be used for correlating an edited video segment/paragraph with an edited audio segment/paragraph (*see, e.g.*, MAULDIN col. 7, lines 15-17). That is, even if more or less information is removed from the video segments/paragraphs of an audio/visual file, the video segments/paragraphs may be correlated with the edited audio segments/paragraphs of that audio/visual file based on the time stamps, which relate to the original, unedited audio-visual file.

Appellants respectfully submit that MAULDIN, or WACTLAR, does not disclose that the time stamp includes a duration of an edited video segment/paragraph. In this regard, MAULDIN appears to disclose that a video segment/paragraph is time stamped before the video segment/paragraph is edited, *i.e.*, skimmed, for content (MAULDIN Figure 2 and col. 7, lines 14-23). Since MAULDIN discloses that the amount of editing, *i.e.*, skimming, is variable (MAULDIN col. 8, lines 45-53), Appellants respectfully

submit that the time stamp cannot be reasonably interpreted to include a duration of an edited video segment/paragraph. Moreover, again since the amount of editing, *i.e.*, skimming, is variable, Appellants further submit that MAULDIN cannot be reasonably interpreted to disclose that the time stamp relates to a duration of an edited video segment/paragraph even when the time stamp of each edited video segment/paragraph is considered.

As such, contrary to the Examiner's assertion in the Final Official Action, Appellants respectfully submit that the time stamp of MAULDIN is not equivalent to the time information of the present application. Accordingly, Appellants submit that col. 7, lines 14-16 of MAULDIN and col. 8, lines 15-20 of WACTLAR fail to disclose the feature of independent claim 40 of the first metadata that comprises time information that is assigned on a segment-by-segment basis. Therefore, in even further view of this erroneous factual finding, it is again submitted that the rejection of independent claim 40 as being anticipated by MAULDIN is improper. Thus, it is again respectfully requested that the Examiner's decision to reject claim 40 be reversed.

e) MAULDIN Fails to Disclose the Feature of Dynamically Generating a Preview having a Desired Time Length using Time Information Assigned to an Extracted Plurality of Segments

Independent claim 40 recites that the claimed media distribution apparatus includes, in further part, "a media extractor/generator that . . . dynamically generates the preview having a time length corresponding to the desired time information . . . by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments." As discussed above, according to the present application, the time

information assigned to the extracted plurality of segments relates to a duration of the segments. As such, a combination of the segments may be selected to generate a preview such that the preview has a time length corresponding to desired time information. In other words, a preview of content is generated which has a desired time length.

In the Final Official Action, it is asserted that col. 7, lines 11-23 of MAULDIN disclose such a feature (Final Official Action page 4, lines 7-10). As partially discussed above, col. 7, lines 11-23 of MAULDIN disclose that the each video paragraph/segment of an audio/visual file includes a time stamp that “is used as an index back to the unedited video.” According to MAULDIN and WACTLAR, the time stamp may be used for correlating an edited video segment/paragraph with an edited audio segment/paragraph (*see, e.g.*, MAULDIN col. 7, lines 15-17). After each video paragraph/segment is time stamped, non-representative frames are removed from the video paragraphs/segments to create skimmed video paragraphs/segments.

In the Final Official Action, the Examiner appears to equate the time stamp MAULDIN with the time information of the present application that is assigned to the extracted segments on a segment-by-segment basis. As discussed above, the time stamp of MAULDIN does not appear to include or relate to a duration of the video paragraphs/segments. Moreover, since the time stamp appears to be applied before each video paragraph/segment is edited, *i.e.*, skimmed, Appellants respectfully submit that the time stamp cannot be reasonably interpreted to be equivalent to, nor correlated to, a duration of the video paragraphs/segments. Thus, if the time stamp is unrelated to durations of the video paragraphs/segments, Appellants respectfully submit that a preview having a time length corresponding to a desired time length cannot be generated

using the time stamp assigned to each video paragraph/segment. In other words, it is submitted that an index back to an unedited video is unrelated to duration, which is dependent upon the amount of content that is edited or skimmed, and thus, that a preview having a desired time length cannot be generated using the index. Accordingly, at least in this regard, it is submitted that col. 7, lines 11-23 of MAULDIN fail to disclose the above-mentioned feature of independent claim 40 of the present application, as recited in the claimed combination.

Additionally to and independently of the above, it is again submitted that MAULDIN does not even appear to disclose the feature of independent claim 40 of generating a preview, *e.g.*, a video summary. To the contrary, MAULDIN merely appears to disclose editing paragraphs/segments based on content, which is submitted to be distinct from a summary.

Accordingly, in further view of these erroneous factual findings, it is again submitted that the rejection of independent claim 40 as being anticipated by MAULDIN is improper. Thus, it is again respectfully requested that the Examiner's decision to reject claim 40 be reversed.

5. The Rejection of Dependent Claims 49 and 52 is Improper

Claims 40 and 43 are in independent form, and claims 49 and 52 depend directly from independent claims 40 and 43, respectively. As such, the arguments as set forth above with respect to independent claim 40, and consequently independent claim 43, are equally applicable to dependent claims 49 and 52. Dependent claims 49 and 52 are not separately argued.

6. The Rejection of Dependent Claims 50 and 53 is Improper

Claims 40 and 43 are in independent form, and claims 50 and 53 depend directly from independent claims 40 and 43, respectively. As such, the arguments as set forth above with respect to independent claim 40, and consequently independent claim 43, are equally applicable to dependent claims 50 and 53.

Additionally, dependent claims 50 and 53 each generally recite that the generated preview is cached according to a frequency of access to a corresponding content. In the Final Official Action, the Examiner asserts that col. 5, lines 6-9 of MAULDIN disclose such a feature (Final Official Action page 7, lines 5-8). Such disclosure of MAULDIN merely appears to recite that skimmed video segments/paragraphs may be retrieved through a video segmentation function, viewed at a workstation, and selectively stored for future use. Col. 5, lines 6-9 of MAULDIN recite, in their entirety:

natural language search function 129. Through an interactive video segmentation function 46, video segments 48 are retrieved. The video segments 48 may be viewed at the workstation 42 and selectively stored for future use. (MAULDIN col. 5, lines 6-9)

Such disclosure of MAULDIN does not appear to disclose nor contemplate caching generated previews according to a frequency of access. Accordingly, in view of the Examiner's erroneous factual finding, it is further submitted that the rejection of dependent claims 50 and 53 as being anticipated by MAULDIN is improper. Thus, for this additional reason, it is requested that the Examiner's decision to reject dependent claims 50 and 53 be reversed.

C. The Rejection of Dependent Claims 42 and 45 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,664,227 to Mauldin et al. in view of U.S. Patent No. 5,619,247 to Russo is Improper

Claims 40 and 43 are in independent form, and claims 42 and 45 depend directly from independent claims 40 and 43, respectively. As such, the arguments as set forth above with respect to independent claim 40, and consequently independent claim 43, are equally applicable to dependent claims 42 and 45. In this regard, it is submitted that the Examiner has failed to set forth any evidence that RUSSO cures the deficiencies of MAULDIN.

D. The Rejection of Dependent Claims 46-47 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,664,227 to Mauldin et al. in view of U.S. Patent No. 6,144,375 to Jain et al. is Improper

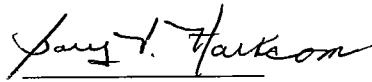
Claims 40 and 43 are in independent form, and claims 46-47 depend directly from independent claims 40 and 43, respectively. As such, the arguments as set forth above with respect to independent claim 40, and consequently independent claim 43, are equally applicable to dependent claims 46-47. In this regard, it is submitted that the Examiner has failed to set forth any evidence that JAIN cures the deficiencies of MAULDIN.

E. Conclusion

Accordingly, at least for the arguments set forth above, Appellants respectfully submit that the rejections of claims 40, 42-43, 45-47, 49-50, and 52-54 (*i.e.*, all pending claims), as set forth in the outstanding Final Official Action, are improper. Thus, Appellants respectfully request that the Board reverse the decisions of the Examiner to reject claims 40, 43, 49-50, and 52-54 under 35 U.S.C. § 102(b) and claims 42 and 45-47 under 35 U.S.C. § 103(a).

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Koichi EMURA et al.


for Bruce H. Bernstein
Reg. No. 29,027

September 29, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Gary V. Harkcom
Reg. No. 62,956

VIII. CLAIMS APPENDIX

40. A media distribution apparatus that includes a server and that selectively distributes views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network, the media distribution apparatus comprising:

a storer that stores the views, and first metadata for explaining the views, the first metadata comprising a plurality of segments and describing viewpoint information and time information, the viewpoint information and the time information being assigned on a segment-by-segment basis, the viewpoint information comprising a keyword included in the first metadata for explaining the content;

a request receiver that receives a distribution request from the external client terminal, the distribution request including identification information that identifies the content, at least one viewpoint information for extracting segments of the first metadata, comprising the keyword included in the first metadata for explaining the content, information that indicates one of a media distribution request and a preview distribution request, and desired time information that is desired by a user of the external client terminal, the identification information and the at least one viewpoint information being selected from list information that is distributed in advance, the list information comprising the identification information of the content, a plurality of viewpoint information assigned to each segment making up the first metadata, and playback time information of the content;

a request analyzer that determines whether the distribution request received by the request receiver is the media distribution request or the preview distribution request for the content;

a media extractor/generator that, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, a plurality of segments for making up the preview and adapted to the at least one viewpoint information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request, and dynamically generates the preview having a time length corresponding to the desired time information included in the received preview distribution request, by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata, the second metadata being different from the first metadata; and

a media transmitter that transmits the generated preview to the external client terminal.

42. The media distribution apparatus according to claim 40, further comprising a charger that does not charge for the preview or charges according to a length of the generated preview.

43. A media distribution method in a media distribution apparatus that includes a server, for selectively distributing views comprising original media of content

and a preview summarizing the content to an external client terminal connected via a network, the media distribution method comprising:

storing the views, and first metadata for explaining the views, the first metadata comprising a plurality of segments and describing viewpoint information and time information, the viewpoint information and the time information being assigned on a segment-by-segment basis, the viewpoint information comprising a keyword included in the first metadata for explaining the content;

receiving a distribution request from the client terminal, the distribution request including identification information that identifies the content, at least one viewpoint information for extracting segments of the first data, comprising the keyword included in the first metadata for explaining the content, information that indicates one of a media distribution request and a preview distribution request, and desired time information that is desired by a user of the external client terminal, the identification information and the at least one viewpoint information being selected from list information that is distributed in advance, the list information comprising the identification information of the content, a plurality of viewpoint information assigned to each segment making up the first metadata, and playback time information of the content;

determining whether the distribution request received from the external client terminal is the media distribution request or the preview distribution request for the content;

when the distribution request received from the external client terminal is determined to be the preview distribution request, extracting, from the first metadata, a plurality of segments making up the preview and adapted to the at least one viewpoint

information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request, and dynamically generating the preview having a time length corresponding to the desired time information included in the received preview distribution request, by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata, the second metadata being different from the first metadata; and

transmitting the generated preview to the external client terminal.

45. The media distribution method according to claim 43, further comprising not charging for the generated preview or charging according to a length of the generated preview.

46. The media distribution apparatus according to claim 40, wherein viewpoint options are displayed to a user prior to generating the preview.

47. The media distribution method according to claim 43, further comprising displaying viewpoint options to a user prior to generating the preview.

49. The media distribution apparatus according to claim 40, wherein the storer stores a plurality of metadata for a content.

50. The media distribution apparatus according to claim 40, wherein the generated preview is cached according to a frequency of access to a corresponding content.

52. The media distribution method according to claim 43, wherein a plurality of metadata are stored for a content.

53. The media distribution method according to claim 43, further comprising caching the generated preview according to a frequency of access to a corresponding content.

54. A media distribution apparatus that selectively distributes views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network, the media distribution apparatus comprising:

a server that includes the views and first metadata for explaining the views, the first metadata comprising a plurality of segments, each segment comprising viewpoint information and time information, the viewpoint information being a keyword included in the metadata that explains the views;

wherein the server receives, from the external client terminal, a distribution request comprising content identification information, at least one keyword, information indicating a media distribution request or a preview distribution request, and a time period set by the external client terminal for the preview to be generated by the server,

wherein the content identification information and the at least one keyword are selected by the external client terminal from list information distributed in advance,

wherein the list information comprises the content identification information, a plurality of keywords assigned to each segment making up the first metadata, and content playback time,

wherein the sever determines whether the received distribution request is the media distribution request or the preview distribution request, and

wherein the server, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, segments having viewpoint information corresponding to the at least one keyword selected by the external client terminal, generates the preview having the set time period by fixing a plurality of segments as second metadata using the time information and linking the views corresponding to the segments fixed as the second metadata, the second metadata being different from the first metadata, and transmits the generated preview to the external client terminal.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDING APPENDIX

None